

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

REMOH GARRY,

Plaintiff

Case No. 3:19-cv-00238-MMD-WGC

V.

NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR,

Defendants

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has filed a notice of intent to file a civil rights complaint. (ECF No. 1, 2). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Therefore, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*, including the required financial attachments.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

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IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with both an inmate account statement for the past six months and a properly executed financial certificate in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court also will send Plaintiff a copy of his notice of intent. (ECF No. 1-1).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

DATED: May 13, 2019.

Walter G. Cobb
UNITED STATES MAGISTRATE JUDGE